

Atty. Dkt. No. 026032-4592

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Boudinot
 Title: VEHICULAR VIDEO SYSTEM
 Appl. No.: 10/748,470
 Filing Date: 12/30/2003
 Examiner: Milton Nelson, Jr.
 Art Unit: 3636

CERTIFICATE OF EXPRESS MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
EV 459170354 US (Express Mail Label Number)	1/3/05 (Date of Deposit)
Carolyn Simpson (Printed Name)	
<i>Carolyn Simpson</i> (Signature)	

TRANSMITTAL

Mail Stop Amendment
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Transmitted herewith is a response to restriction requirement in the above-identified application.

- [X] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

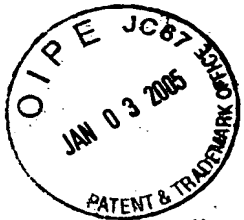
Respectfully submitted,

Date Jan. 3, 2004

By 

FOLEY & LARDNER LLP
Customer Number: 26371
Telephone: (414) 297-5839
Facsimile: (414) 297-4900

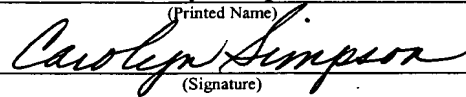
Marcus A. Burch
Attorney for Applicant
Registration No. 52,673



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(Signature)	

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed December 2, 2004, Applicant hereby provisionally elects Group I for examination with traverse. The office action did not specify which claims belonged to which group. Applicants believe that Group I includes at least Claims 1-17, 21-28, and 32-51.

Groups I and II Should not be Restricted

The Examiner has required restriction between Group I, drawn to Figures 2-5 having movement about a single axis and Group II, Figures 2-5 having movement about plural axes.

Restriction requires that two groups of claims be independent or distinct, and that there be a serious burden on the examiner. See MPEP 803.01 (CRITERIA FOR RESTRICTION BETWEEN PATENTABLY DISTINCT INVENTIONS). Groups I and II are not independent and at least one claim (Claim 51) of Group I has a feature of Group II. Thus, that claim (Claim 51) is not properly restricted from Group I. Further, Applicant

believes that the claims of Group II can be examined without imposing a serious burden on the examiner, particularly in light of the fact that Claim 51 which belongs in Group I also recites a feature of Group II.

Groups I and II are not independent because they have a disclosed relationship. To be independent, the groups must have no disclosed relationship meaning that they are unconnected in design, operation, or effect. See MPEP 802.01 (INDEPENDENT). As illustrated in Figures 2-5, a single design is illustrated which incorporates the claimed features of both Groups I and II.

At least one claim of group I has a characteristic of Group II and is not distinct from at least one other claim of Group I; Claim 51 of group I recites a feature of Group II and is not distinct from Claim 41 of Group I. Claims 41 and 51 are related as a combination and sub-combination. For two claims which are related as combination and sub-combination to be distinct, two-way distinctness must be shown. See MPEP 806.05(c). Two-way distinctness cannot be shown in this case because Claim 41 is not distinct from Claim 51 (i.e. Claim 51 recites all of the elements of Claim 41).

Since Claim 51 is neither independent nor distinct from Claim 41 of Group I, restriction between Claims 41 and 51 would be improper.

Additionally, it is believed that the claims of Group II can be examined without placing a serious burden on the examiner; a prima facie case of burden has not been established and the plural axes feature should be examined in conjunction with the examination of Claim 51. No statements were made in the office action to establish a prima facie case of a serious burden (e.g. separate classification, separate status in the art, and/or a different field of search). See MPEP 803 (GUIDELINES). Further, the additional burden of examining the claims of Group II is not great given that movement about plural axes is a feature that should properly be examined in conjunction with the examination of Claim 51 of Group I.

Conclusion

Applicant respectfully requests that restriction between Groups I and II be withdrawn and that each of Claims 1-51 be examined.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 06-1447. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1447. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 06-1447.

Respectfully submitted,

Date January 3, 2004

By 

FOLEY & LARDNER LLP
Customer Number: 26371
Telephone: (414) 297-5839
Facsimile: (414) 297-4900

Marcus A. Burch
Attorney for Applicant
Registration No. 52,673